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Advisory Committee Minutes

Friday September 11, 2020

Present:

Bruce Bailey, Megan Kelley, Julie Rutter, Commission Members

Karen King, Chief Advisory Attorney
Tim Gates, Staff Attorney
Jed Hood, General Counsel
Paul Nick, Executive Director

The meeting began at 12:04 p.m. by teleconference.

Mr. Gates reviewed changes made since the August 13, 2020, Advisory Committee Meeting to the most recent draft of Formal Opinion No. 2020-03 regarding public officials serving with chambers of commerce. Mr. Gates noted that based on the discussion in the August meeting, the current draft addresses whether or not a municipality's payment of membership dues to a chamber of commerce creates a public contract. Mr. Gates referenced an Ohio Attorney General Opinion (2003-036) that stated that group medical insurance provided through a chamber of commerce that is a small employer health care alliance is procured from an insurance company or a health insuring corporation, not from the chamber of commerce. Mr. Gates stated that in the AGO example, the membership dues would not be considered a public contract because the municipality would be acquiring services from the insurance company, not the chamber of commerce. Mr. Gates also responded to comments, questions, and suggestions regarding the draft that Mr. Bailey had submitted prior to the meeting. One question that Mr. Bailey asked was whether the opinion could be presented in a way that would be more reader-friendly to a layperson. Mr. Gates responded that an information sheet could be prepared and could accompany the formal advisory opinion. Ms. King stated that another option would be to prepare a fact sheet in lieu of issuing a formal advisory opinion. Ms. King said that the advisory staff could work with the education section to create an information sheet that would be more simple, direct, and easier to follow. Mr. Bailey said that he liked that idea. Ms. Kelley agreed that it would be a good idea if there is already sufficient precedent on the issue. Ms. King said that there is formal and informal precedent approved by the Commission regarding public officials serving with nonprofit entities that staff would use as a basis for the information sheet. The Committee Members agreed that staff should draft an information sheet instead of a formal opinion. Mr. Nick said that staff would send the Committee Members examples of different types of information sheets the Commission has created.

Ms. King reviewed changes made since the August 13, 2020 Advisory Committee Meeting to the most recent draft of Formal Opinion No. 2020-04 regarding public officials attending ceremonial events. Ms. King noted that the last criteria in the syllabus was changed to read that the attending public official should not stay beyond the time that is reasonably necessary to perform his or her ceremonial functions at the event. Ms. King noted that she struggled to find a relevant formal definition of “ceremonial event” as requested by the Committee Members at the last meeting. She stated instead the draft provides examples of the types of events that could be considered ceremonial and a definition “ceremonial role.” The draft also creates criteria that will help identify when attendance at a ceremonial event is objectively related to the public official’s or employee’s public position. Ms. Rutter said that she appreciated the examples. Mr. Bailey moved to present the draft of Formal Advisory Opinion 2020-04 to the full Commission at its next meeting. Ms. Rutter seconded the motion. Ms. Kelley, Ms. Rutter, and Mr. Bailey, voted yes. The motion was approved.

Mr. Hood presented the proposed responses to County Auditors Michael Stinziano and Matt Nolan in follow-up to the Commission’s approval of their reconsideration requests at the Commission’s August 28, 2020 meeting. Mr. Bailey said that he recalled Mr. Stinziano asking several questions. Mr. Nick said that staff would ensure that both of his questions were addressed by referencing them in the beginning of the letter. Mr. Nick also said that Chairman Brachman would review and sign the letters and may have additions or changes to make to the proposed responses. The Committee members had no further comments or edits.

The meeting was adjourned at 12:35 p.m.

These Minutes were prepared by Chief Advisory Attorney Karen R. King.